REMARKS

Applicants respectfully request further examination and reconsideration in view of the above amendments and the arguments set forth fully below. Claims 1-23 and 29-43 were previously pending in this application. Within the Office Action, Claims 1-23 and 29-43 have been rejected. By the above amendments, Claims 1, 21, 29 and 34 have been amended. Accordingly, Claims 1-23 and 29-43 are currently pending.

Objections

Within the Office Action, Claim 34 is objected to because it depends upon Claim 24 which has been canceled. By the above amendments, Claim 34 has been amended to be dependent on independent Claim 29. Therefore, the objection should be withdrawn.

Rejections Under 35 U.S.C. § 102

Within the Office Action, Claims 21 and 22 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,119,165 to Li et al. (hereafter "Li").

Li teaches a software patch/library agent in which the proxy server contains a program which searches the Internet/Intranet for various latest software packages available. [Li, col. 6, lines 1-9] Specifically, Li teaches that when a user connects to the proxy server, the versions of the software on his particular client platform are compared to the latest versions of this software stored on the proxy server. If there is a newer software package or patch available, the user of each client is prompted to download that newer version. [Li, col. 6, lines 1-9] However, Li does not teach that the server version and the subscriber version are defined by the system. Unlike the present invention, Li teaches that pre-defined versions of software on a particular client platform and stored on a proxy server are compared, not that the server version and the subscriber version are defined by the system. [Li, col. 6, lines 1-9]. Therefore, Li does not teach that the server version and the subscriber version are defined by the system.

The independent Claim 21 is directed to a content distribution system. The content distribution system of Claim 21 comprises a distribution server configured to transmit content, wherein the content comprises a server version, a hand held device comprising a device version, wherein the hand held device is configured to receive the content and an electronic proxy device comprising a version identifier, wherein the electronic proxy device is configured to receive the device version from the hand held device and the server version from the distribution server, and is further configured to compare the server version with the device version, and if the server

version is greater than the device version, to download the content from the distribution server and to transmit the content to the hand held device, wherein the server version and the device version are defined by the system. As discussed above, Li teaches that pre-defined versions of software on a particular client platform and stored on a proxy server are compared. Li does not that the server version and the subscriber version are defined by the system. For at least these reasons, the independent Claim 21 is allowable over Li.

Claim 22 is dependent on the independent Claim 21. As described above, the independent Claim 21 is allowable over Li. Accordingly, Claim 22 is also allowable as being dependent on an allowable base claim.

Within the Office Action, Claims 29, 30, and 32-34 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,493,748 to Nakayama et al. (hereafter "Nakayama").

Nakayama teaches contents on a server that need not be updated for a fixed period of time are recorded directly in a medium, and desired contents in a local device can be accessed by the same operation procedure as that for accessing the server storing the contents. [Nakayama, Abstract] Specifically, Nakayama teaches that when a request to acquire delivery information is made for information browsing unit with respect to a local proxy server, if the corresponding information exists in the duplicate information storing means and also if the information has the latest version number, the information is fetched from the duplicate information storing unit; otherwise the delivery information is fetched from a server computer. [Nakayama, Abstract] However, Nakayama does not teach that the version identifier/number and the subscriber version identifier/number are defined by the system. Unlike the present invention, Nakayama teaches that the versions are registered within the system, not that they are defined by the system. [Nakayama, Claims] Therefore, Nakayama does not teach that the version identifier/number and the subscriber version identifier/number are defined by the system.

The independent Claim 29 is directed to a content subscription system. The content subscription system of Claim 29 comprises a server, a subscriber, a server content identification circuit configured to transmit a first signal representative of a version identifier, wherein the version identifier corresponds to a first content stored within the server, a subscriber content identification circuit configured to receive the version identifier and the first content stored within the server, wherein the subscriber content identification circuit is further configured to generate a second signal representative of a subscriber version identifier, wherein the subscriber version identifier corresponds to a second content stored within the subscriber and a content

control circuit configured to transmit the first content to the subscriber content identification circuit in response to the second signal, wherein the version identifier and the subscriber version identifier are defined by the system. As discussed above, Nakayama does not teach that the version identifier/number and the subscriber version identifier/number are defined by the system. For at least these reasons, the independent Claim 29 is allowable over Nakayama.

Claims 30 and 32-34 are dependent on the independent Claim 29. As described above, the independent Claim 29 is allowable over Nakayama. Accordingly, Claims 30 and 32-34 are all also allowable as being dependent on an allowable base claim.

Rejections Under 35 U.S.C. § 103

Within the Office Action, Claims 1-14, 18, 19, 35-39 and 41-43 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakayama.

As described above, Nakayama teaches contents on a server that need not be updated for a fixed period of time are recorded directly in a medium, and desired contents in a local device can be accessed by the same operation procedure as that for accessing the server storing the contents. [Nakayama, Abstract] Specifically, Nakayama teaches that when a request to acquire delivery information is made for information browsing unit with respect to a local proxy server, if the corresponding information exists in the duplicate information storing means and also if the information has the latest version number, the information is fetched from the duplicate information storing unit; otherwise the delivery information is fetched from a server computer. [Nakayama, Abstract] However, Nakayama does not teach that the version identifier/number and the subscriber version identifier/number are defined by the system. Unlike the present invention, Nakayama teaches that the versions are registered within the system, not that they are defined by the system. [Nakayama, Claims] Therefore, Nakayama does not teach that the version identifier/number and the subscriber version identifier/number are defined by the system.

The independent Claim 1 is directed to a version based content distribution system. The version based content distribution system of Claim 1 comprises content comprising a version number, a syndicator, wherein the syndicator is configured to distribute the content, subscriber content comprising a subscriber content version number and a subscriber configured to store the subscriber content, to compare the version number with the subscriber content version number, and to receive the content from the syndicator if the version number is larger than the subscriber content version number, wherein the version number and the subscriber content version number are defined by the system. As discussed above, Nakayama does not teach that the version

identifier/number and the subscriber version identifier/number are defined by the system. For at least these reasons, the independent Claim 1 is allowable over Nakayama.

Claims 2-14, 18 and 19 are dependent on the independent Claim 1. As described above, the independent Claim 1 is allowable over Nakayama. Accordingly, Claims 2-14, 18 and 19 are all also allowable as being dependent on an allowable base claim.

The independent Claim 35 is directed to a method of distributing content. The method of Claim 35 comprises defining a version number for content stored within a syndicator, increasing the version number when the content stored within the syndicator is updated, defining a subscriber version number for content stored within a subscriber, transmitting the version number from the syndicator to the subscriber, performing a synchronization verification wherein the subscriber version number is compared to the version number, downloading the content stored within the syndicator to the subscriber if the subscriber version number is found to be less than the version number during the synchronization verification and increasing the subscriber version number to correspond to the version number following downloading of the content stored within the syndicator. As discussed above, Nakayama does not teach that the version identifier/number and the subscriber version identifier/number are defined by the system. For at least these reasons, the independent Claim 35 is allowable over Nakayama.

Claims 36-39 and 41-43 are dependent on the independent Claim 35. As described above, the independent Claim 35 is allowable over Nakayama. Accordingly, Claims 36-39 and 41-43 are all also allowable as being dependent on an allowable base claim.

Within the Office Action, Claims 1-14, 18, 19, 35-39 and 41-43 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakayama in view of U.S. Patent No. 7,117,482 to Nguyen et al. (hereafter "Nguyen").

As described above, Nakayama teaches contents on a server that need not be updated for a fixed period of time are recorded directly in a medium, and desired contents in a local device can be accessed by the same operation procedure as that for accessing the server storing the contents. [Nakayama, Abstract] Specifically, Nakayama teaches that when a request to acquire delivery information is made for information browsing unit with respect to a local proxy server, if the corresponding information exists in the duplicate information storing means and also if the information has the latest version number, the information is fetched from the duplicate information storing unit; otherwise the delivery information is fetched from a server computer. [Nakayama, Abstract] However, Nakayama does not teach that the version identifier/number and the subscriber version identifier/number are defined by the system. Unlike the present invention,

Nakayama teaches that the versions are registered within the system, not that they are defined by the system. [Nakayama, Claims] Therefore, Nakayama does not teach that the version identifier/number and the subscriber version identifier/number are defined by the system.

Nguyen teaches setting parameter values are migrated through a new software upgrade. [Nguyen, Abstract] Specifically, Nguyen teaches that each software version includes a version number that is compared to a version number of the current software by reading a version number parameter value stored in a non-volatile random access memory. [Nguyen, Abstract] However, Nguyen does not teach that the version identifier/number and the subscriber version identifier/number are defined by the system. Unlike the present invention, Nguyen teaches that version numbers are determined, not that they are defined by the system. [Nguyen, figure 3A]. Therefore, Nguyen does not teach that the version identifier/number and the subscriber version identifier/number are defined by the system.

Therefore, because neither Nakayama nor Nguyen teach that the version identifier/number and the subscriber version identifier/number are defined by the system, their combination also cannot teach that the version identifier/number and the subscriber version identifier/number are defined by the system. Thus, neither Nakayama, Nguyen nor their combination teach that the version identifier/number and the subscriber version identifier/number are defined by the system.

Further, there is no hint, teaching or suggestion within either Nakayama or Nguyen that justifies their combination. Nakayama is directed to an information management system. [Nakayama, Field of the Invention]. Nguyen is directed to the migration of configuration data from one software installation through an upgrade. [Nguyen, Field of the Invention]. An information management system and the migration of configuration data are non-analogous art. More is required to justify the combination of two references. There is simply no hint, teaching or suggestion within either of these references that warrants or justifies their combination. Accordingly, the combination of Nakayama and Nguyen is improper and should be withdrawn.

The independent Claim 1 is directed to a version based content distribution system. The version based content distribution system of Claim 1 comprises content comprising a version number, a syndicator, wherein the syndicator is configured to distribute the content, subscriber content comprising a subscriber content version number and a subscriber configured to store the subscriber content, to compare the version number with the subscriber content version number, and to receive the content from the syndicator if the version number is larger than the subscriber content version number, wherein the version number and the subscriber content version number

are defined by the system. As discussed above, neither Nakayama, Nguyen nor their combination teach that the version identifier/number and the subscriber version identifier/number are defined by the system. For at least these reasons, the independent Claim 1 is allowable over Nakayama, Nguyen and their combination.

Claims 2-14, 18 and 19 are dependent on the independent Claim 1. As described above, the independent Claim 1 is allowable over Nakayama, Nguyen and their combination. Accordingly, Claims 2-14, 18 and 19 are all also allowable as being dependent on an allowable base claim.

The independent Claim 35 is directed to a method of distributing content. The method of Claim 35 comprises defining a version number for content stored within a syndicator, increasing the version number when the content stored within the syndicator is updated, defining a subscriber version number for content stored within a subscriber, transmitting the version number from the syndicator to the subscriber, performing a synchronization verification wherein the subscriber version number is compared to the version number, downloading the content stored within the syndicator to the subscriber if the subscriber version number is found to be less than the version number during the synchronization verification and increasing the subscriber version number to correspond to the version number following downloading of the content stored within the syndicator. As discussed above, neither Nakayama, Nguyen nor their combination teach that the version identifier/number and the subscriber version identifier/number are defined by the system. For at least these reasons, the independent Claim 35 is allowable over Nakayama, Nguyen and their combination.

Claims 36-39 and 41-43 are dependent on the independent Claim 35. As described above, the independent Claim 35 is allowable over Nakayama, Nguyen and their combination. Accordingly, Claims 36-39 and 41-43 are all also allowable as being dependent on an allowable base claim.

Within the Office Action, Claims 15-17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakayama in view of U.S. Patent No. 6,990,498 to Fenton et al. (hereafter "Fenton").

Claims 15-17 are dependent on the independent Claim 1. As described above, the independent Claim 1 is allowable over Nakayama, Nguyen and their combination. Accordingly, Claims 15-17 are all also allowable as being dependent on an allowable base claim.

Within the Office Action, Claim 20 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakayama in view of Li.

Claim 20 is dependent on the independent Claim 1. As described above, the independent Claim 1 is allowable over Nakayama, Nguyen and their combination. Accordingly, Claim 20 is also allowable as being dependent on an allowable base claim.

Within the Office Action, Claim 23 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Li.

Claim 23 is dependent on the independent Claim 21. As described above, the independent Claim 21 is allowable over Li. Accordingly, Claim 23 is also allowable as being dependent on an allowable base claim.

Within the Office Action, Claims 31 and 40 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakayama in view of U.S. Patent Application No. 2001/0042073 to Saether et al. (hereafter "Saether").

Claims 31 and 40 are dependent on the independent Claims 29 and 35 respectively. As described above, the independent Claims 29 and 35 are allowable over Nakayama, Nguyen and their combination. Accordingly, Claims 31 and 40 are both also allowable as being dependent on allowable base claims.

For the reasons given above, the Applicants respectfully submit that the claims are in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, the Examiner is encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: August 22, 2008

By: /Jonathan O. Owens/
Jonathan O. Owens
Reg. No. 37,902
Attorneys for Applicants